



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,230	03/27/2001	Taber B. Noble	PD-200288	2218

20991 7590 03/07/2006

THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION RE/R11/A109
P O BOX 956
EL SEGUNDO, CA 90245-0956

EXAMINER

LONSBERRY, HUNTER B

ART UNIT PAPER NUMBER

2611

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,230

Applicant(s)

NOBLE, TABER B.

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-10, 12, 14-50, 53-55, 57, 59-92, 94 and 95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-10, 12, 14-50, 53-55, 57, 59-92 and 94-95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/15/05 have been fully considered but they are not persuasive.

Applicant argues that there is no motivation to combine Legall and Boyer, that hindsight reconstruction was used and that Legall does not disclose a system which is capable of performing a search that would present a result analogous to applicant's invention in that Legall's power search function does not teach the ability to limit the search result by channel (amendment page 23).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by

Art Unit: 2611

combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Boyer and Legall are program guide systems which aide a user in selecting programs to watch. Boyer enables a user to search by channel, or time. Legall discloses a similar approach but provides many additional search options (see figure 3b) for example different sources, categories, topics, start times, lengths etc which enable user to further refine a search in order to make it easier to find a program of interest. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer to utilize the start and end times of Legall, in order to only display programming within a certain time of day, for the advantage of refining a user search in order to make it easier to find programs of interest.

Further, Boyer is relied upon to teach restricting a search to a single channel (see column 10, lines 53-60). Legall is relied upon to teach a number of additional search options, sources, categories, topics, start times, lengths etc. Modifying Boyer to utilize the additional search criteria of Legall, including the time criteria, would result in restricting a search to times for content to be displayed on a single channel.

Applicant argues that Boyer is directed to an Internet TV program guide which has different design factors which are substantially different from program guides

Art Unit: 2611

displayed by a TV. Applicant acknowledges that it is well known to change an icon in a web browser when a hyperlink is selected , however navigating a web browser is different from navigating a menu displayed on a TV. Applicant argues that even if Boyer and Legall together disclose an icon (e.g. IE icon in the top right corner of Internet Explorer) that is not a navigation icon that indicates when the menu content portion of the menu guide is activated for navigation. (Page 24).

Regarding applicant's argument, the Examiner notes that claim language requiring display of a menu guide on a television is not present. Claim 46 requires a receiver with a tuner, but it is silent with regards to the display device. Further, Boyer discloses a PCTV with tuner see column 5, lines 32-38, 52-58. Applicant admits that it is well known to change an icon in a web browser when a hyperlink is selected. Boyer discloses that the webpages use hypertext links, (column 7, lines 42-53). Thus whenever a link is navigated too the IE menu icon would be momentarily displayed upon activation of the link.

Applicant argues that Boyer fails to teach "determine a first daypart selected from the group comprising a current daypart defined from the time of day and a selected day part. (Amendment page 25).

Regarding applicant's argument, Boyer teaches determining a first daypart selected from the group comprising a current daypart defined from the time of day

(column 9, lines 2-7) and a selected daypart (column 9, lines 28-36). The current daypart is displayed to a user based on the current time. Alternatively a user may choose a daypart to navigate to.

Applicant argues that Alexander fails to teach a channel portion indicating the active channel, within the meaning of claim 1. That is one in which the associated programs available on that channel for a daypart is presented. (amendment page 26).

Regarding applicant's argument, Boyer discloses in figure 12 a channel portion indicating a selected channel (2 KCBS). Claim 1 requires selection of an active channel. Claim 3 requires the menu guide to have a channel portion indicating the active channel. The combination of Boyer and Legall does not disclose a channel portion indicating an active channel.

Alexander discloses in figure 1 that a cursor 36 can be used to select and highlight an active channel, a border is then placed around the active channel (column 3, lines 21-36), thus making it easy to navigate through the guide by knowing where the cursor is.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Boyer and Legall to utilize the cursor of Alexander to recognize an active channel, for the advantage of making it easy to navigate through the guide by knowing where the cursor is.

Applicant argues that sponsored advertising is old in the art, but has little to do with advertising presented in the context of a menu guide. It is one thing to have the media program provider determine the advertising content provided in their own signal, it is quite another to have the media program provider do so in an interface that they do not generate or have control over. Indeed providing advertising content in the advertising content portion would be redundant as that information is already provided to the viewer via the IPG (page 26).

Regarding applicant's argument, Claim 17, requires advertising content within the menu guide to be determined by a provider of the media program provided on the active channel. Alexander discloses in figure 1, a PIP window 12 that plays video for the last tuned channel, or the currently highlighted channel (column 3, line 63-column 4, lines 27), panel advertisements may be displayed in windows 14 and 16 (column 21, lines 39-54), and a virtual parent ad 52, which is contextually linked to the channel displayed above it (column 22, lines 34-47, column 23, lines 12-19), thus providing many opportunities to view an advertisement. Further Alexander teaches that broadcasters may use packet matching to determine what advertisements to display within a user's IPG (column 32, lines 35-column 33, line 8). Thus Alexander in combination with Boyer and Legall teaches each and every claim limitation.

Applicant's failure to traverse the Official Notice(s) taken in the last Office Action is taken as admitted prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 12, 14-16, 23-24, 27-43, 46-47, 57, 59-61, 68-69, 71-88, 91-92, and 94-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,268,849 to Boyer in view of U.S. Patent 6,005,565 to Legall.

Regarding claim 1, Boyer discloses a method of providing media program information, comprising the steps of:

Accepting a command to select an active channel from a plurality of selectable channels (column 10, lines 53-60, listings are arranged in time order from the current time)

accepting a command to provide a menu guide selected from a plurality of menu guides (figure 2, web page 200, with guides for different zip codes, time zones and providers, column 7, line 54-column 8, line 31, a user selects a guide after which a guide shown in figure 8 is displayed which enables a user to view by time) together

defining a media program information space segmented by a daypart (figure 9, time of day information 630),

wherein the menu guide is associated with a first daypart (figure 9, afternoon, the Knicks game is in progress as shown in program info box 636 and indicated 650) ; and

providing the menu guide, the menu guide comprising a menu guide content (TV listings)portion presenting at least some of the media program information (program info 636).

Boyer fails to disclose displaying all of the media programs scheduled to be available on the channel during the first day part.

Legall discloses in Figure 3b, a web browser based EPG (column 3, lines 11-28), in which a user may utilize a number of filter features (column 3, lines 28-56), including a start time 351 (daypart) and end time (figure 3c), thus enabling a user to further refine their search.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer to utilize the start and end times of Legall, in order to only display programming within a certain time of day, for the advantage of refining a user search in order to make it easier to find programs of interest.

Regarding claims 2 and 47, Boyer discloses in figure 9, program info 636, which describes a media program, scheduled to be available on an active channel during the first daypart (column 9, line 57-column 10, line 10).

Legall is relied upon to teach displaying programs available within certain hours (figures 3b/c).

Regarding claims 12 and 57, Boyer discloses in figure 9, that a plurality of program information which is available on a channel for a daypart may be displayed (listings from 1:30pm-3pm), a user presses a button 630 to view listings by time of day (column 9, lines 32-45), and a user may display listings for only the active channel (figure 12) for the current daypart.

Regarding claims 14 and 59, Boyer discloses that a user may scroll via icons 622, 624 for time, and via scrollbar 620 for channels (column 9, lines 29-31).

Regarding claims 15 and 60, Boyer discloses that a user may select a program, and additional information is displayed regarding that program (column 9, line 55-column 10, line 24).

Regarding claims 16 and 61, Boyer discloses in figures 7 and 9, advertising portion that displays an advertisement for Combat (figure 7) and Gillette (figure 9).

Regarding claims 23-24 and 68-69, Boyer discloses that a user may navigate a program guide by selecting how they wish to view the guide in figure 8 (column 8, lines 50-56), a user may then scroll through the available programming (column 9, lines 29-

Art Unit: 2611

31) a user may select a program and program information is displayed(column 9, lines 55-63).

Regarding claims 26 and 71, Boyer discloses that a user may select a program for recording (column 5, lines 50-57).

Regarding claims 27-28 and 72-73, Boyer discloses that the daypart may be the current time or a selected time (column 8, line 67-column 9, line 4, 32-37).

Regarding claims 29 and 74, Boyer discloses that a user may use a cursor 622/624 to navigate to earlier or later time periods, thus enabling a user to scroll through parts of the day, and use a cursor 626/628 to navigate through the program listings (column 9, lines 29-32).

Regarding claims 30, 43, 75 and 88, Boyer discloses:

Accepting a selection of a selection of a second daypart from the media program information space (column 9, lines 29-36), and

Providing a second menu guide (column 9, lines 33-45), the second menu guide comprising the menu guide content portion presenting at least some of the media program information describing at least one media program scheduled to be available on an active channel during the second daypart (a user clicks on the morning button and morning program listings for the channels are displayed, column 9, lines 33-36).

Regarding claims 31 and 76, Boyer discloses that a user may select a day to navigate to in section 632 (column 9, lines 37-46).

Regarding claims 32 and 77, Boyer discloses that a user may select a program, and additional information is displayed regarding that program (column 9, line 55-column 10, line 24).

Regarding claims 33-34 and 78-79, Boyer discloses in figure 9, a menu section on the left hand portion of the screen, with an icon section 634, which enables the user to navigate to different guides, the guide may be a browser window implemented by an Internet Explorer or Netscape browser (column 6, lines 1-10).

Boyer and Legall does not does not disclose the use of an icon which indicates when the menu has been activated.

The examiner takes official notice that the use of an icon indicating that a menu navigation has been activated is notoriously well known in the art. For example, when a user clicks on a link in an Internet Explorer window, the Internet Explorer icon in the top right corner displays an animation while the data is loading, thus indicating to a user that a data transfer is active.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer and Legall to display a status icon indicating a transfer of data, so that a user would know when a data transfer is occurring.

Regarding claims 35 and 80, Boyer discloses that a user may designate a second channel as the active channel, and program information corresponding to the new channel is then displayed (column 10, lines 40-65, figures 11-12).

Regarding claims 36 and 81, Boyer discloses accepting a command to activate the channel portion of the menu guide (column 10, lines 40-45), and

Accepting a command to designate one of the selectable channels the active channel (column 10, lines 46-53)

Regarding claims 37-38 and 82-83, Boyer discloses that a user may view the channels by numerical order (figure 9), or by category (column 7, lines 63-65), the channels may be re-organized by pressing a button 634 (column 9, lines 47-54).

Regarding claims 39-40 and 84-85, Boyer shows in figure 13, a category selection menu which enables a user to select a movie or news category (column 10, line 65-column 11, line12), the listings are then listed for the corresponding category in channel number order and by the current time (day part).

Regarding claims 41-42 and 86-87, Boyer shows in figure 13, a category selection menu which enables a user to select a movie or news category (column 10,

Art Unit: 2611

line 65-column 11, line 12), the listings are then listed for the corresponding category in channel number order and by the current time (day part).

Boyer does not disclose the enabling a user to select from a plurality of subcategories.

Legall discloses subcategories section 346 in figure 3b, which enable a more refined search, thus enabling a user to easily find a program of interest.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer to utilize a number of selectable subcategories as taught by Legall to enable a more refined search, for the advantage enabling a user to easily find a program of interest.

Regarding claim 46, Boyer discloses an apparatus for providing media program information describing media programs, comprising:

a receiver, having a tuner for receiving the media program and the media program information (PCTV with tuner column 5, lines 32-38, 52-58),

a processor, communicatively coupled to the tuner, for accepting a command to select an active channel from a plurality of selectable channels (column 10, line 48-64) and for accepting a command to provide a menu guide selectable from a plurality of menu guides together defining a media program information space (figure 2, web page 200, with guides for different zip codes, time zones and providers, column 7, line 54-column 8, line 31, a user selects a guide after which a guide shown in figure 8 is displayed which enables a user to view by time) segmented by a daypart (figure 9, time

of day 630) and for providing a menu guide having a menu guide content portion presenting the media program information scheduled to be displayed on the active channel (figure 12, all programs on the active channel from the present time on are displayed, column 10, lines 54-60).

Boyer fails to disclose displaying solely all of the media programs scheduled to be available on the channel during the first day part.

Legall discloses in Figure 3b, a web browser based EPG (column 3, lines 11-28), in which a user may utilize a number of filter features (column 3, lines 28-56), including a start time 351 (daypart) and end time (figure 3c), thus enabling a user to further refine their search.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer to utilize the start and end times of Legall, in order to only display programming within a certain time of day, for the advantage of refining a user search in order to make it easier to find programs of interest.

Regarding claims 91-92, Boyer discloses a method of presenting advertising a menu guide, comprising the steps of:

Accepting advertising media content (figure 9, Gillette logo) and a media program from a media content provider and a media program from a media content provider (column 5, lines 45-58),

Providing the media program information to a subscriber on an active channel (figure 12, column 10, lines 53-58) and

Providing a menu guide selectable from a plurality of menu guides together defining a media program information space (figure 2, web page 200, with guides for different zip codes, time zones and providers, column 7, line 54-column 8, line 31, a user selects a guide after which a guide shown in figure 8 is displayed which enables a user to view by time) segmented by a daypart (figure 9, time of day 630) and for providing a menu guide having a menu guide content portion presenting the media program information scheduled to be displayed on the active channel (figure 12, all programs on the active channel from the present time on are displayed, column 10, lines 54-60).

Boyer fails to disclose displaying solely all of the media programs scheduled to be available on the channel during the first day part.

Legall discloses in Figure 3b, a web browser based EPG (column 3, lines 11-28), in which a user may utilize a number of filter features (column 3, lines 28-56), including a start time 351 (daypart) and end time (figure 3c), thus enabling a user to further refine their search.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer to utilize the start and end times of Legall, in order to only display programming within a certain time of day, for the advantage of refining a user search in order to make it easier to find programs of interest.

Regarding claim 94, Boyer discloses a method of presenting media program information describing at least one media program (figure 9) comprising the steps of:

Accepting a command to access the media program information at a time of day (time of day buttons 630, column 9, lines 28-36),

Determining a first daypart selected from the group comprising a current daypart defined from the time of day (column 9, lines 2-7) and a selected daypart (column 9, lines 28-36) and,

providing a menu guide having a menu guide content portion presenting the media program information scheduled to be displayed on the active channel (figure 12, all programs on the active channel from the present time on are displayed, column 10, lines 54-60).

Boyer fails to disclose displaying solely all of the media programs scheduled to be available on the channel during the first day part.

Legall discloses in Figure 3b, a web browser based EPG (column 3, lines 11-28), in which a user may utilize a number of filter features (column 3, lines 28-56), including a start time 351 (daypart) and end time (figure 3c), thus enabling a user to further refine their search.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer to utilize the start and end times of Legall, in order to only display programming within a certain time of day, for the advantage of refining a user search in order to make it easier to find programs of interest.

Regarding claim 95, Boyer discloses that the media program information is further based on time of day (column 10, lines 53-59).

3. Claims 3-5, 8-10, 17-22, 25, 48-50, 53-55, 62-67 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,268,849 to Boyer in view of U.S. Patent 6,005,565 to Legall in further view of U.S. Patent 6,177,931 to Alexander.

Regarding claims 3 and 48, Boyer discloses in figure 9, program info 636, which describes a media program, scheduled to be available on an active channel during the first daypart.

The combination of Boyer and Legall does not disclose a channel portion indicating an active channel, however Boyer discloses that the device may be a PCTV and that a user may use the guide to tune to a channel (column 5, lines 34-58).

Alexander discloses in figure 1 that a cursor 36 can be used to select and highlight an active channel, a border is then placed around the active channel (column 3, lines 21-36), thus making it easy to navigate through the guide by knowing where the cursor is.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Boyer and Legall to utilize the cursor of Alexander to recognize an active channel, for the advantage of making it easy to navigate through the guide by knowing where the cursor is.

Regarding claims 4 and 49, Boyer discloses that selectable channels are indicated (column 5, lines 34-58).

Regarding claims 5 and 50, Boyer discloses in figure 9, that the channels are organize in numerical order.

Regarding claims 8 and 53, Boyer discloses in figure 9, a program guide.

The combination of Boyer and Legall does not disclose a picture in guide portion.

Alexander discloses in figure 1, a picture in guide window 12, which displays the last channel viewed by the user, or the currently highlighted channel (column 3, line 56-column 4, line 27), thus enabling a user to follow a current program while making their next viewing choice.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Boyer and Legall to utilize the picture in guide feature of Alexander, thus enabling a user to follow a current program while making their next viewing choice.

Regarding claims 9 and 54, Boyer discloses in figure 9, a program guide.

Boyer and Legall does not disclose a picture in guide portion, which reflects content on the active channel.

Art Unit: 2611

Alexander discloses in figure 1, a picture in guide window 12, which displays the last channel viewed by the user, or the currently highlighted channel (column 3, line 56-column 4, line 27), thus aiding a user in selecting a program to view.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Boyer and Legall to utilize the picture in guide feature of Alexander, thus aiding a user in selecting a program.

Regarding claims 10 and 55, Boyer discloses in figure 9, a program guide.

The combination of Boyer and Legall does not disclose a picture in guide portion, which presents media information regarding the current program on the active channel.

Alexander discloses in figure 1, a picture in guide window 12, which displays the last channel viewed by the user, or the currently highlighted channel (column 3, line 56-column 4, line 27), thus aiding a user in selecting a program to view.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Boyer and Legall to utilize the picture in guide feature of Alexander, thus aiding a user in selecting a program.

Regarding claims 17 and 62, Boyer discloses ads in figures 7 and 9.

The combination of Boyer and Legall does not disclose if the advertising content is determined by a provider of the media program on the active channel.

Alexander discloses in figure 1, a PIP window 12 that plays video for the last tuned channel, or the currently highlighted channel (column 3, line 63-column 4, lines

Art Unit: 2611

27), panel advertisements may be displayed in windows 14 and 16 (column 21, lines 39-54), and a virtual parent ad 52, which is contextually linked to the channel displayed above it (column 22, lines 34-47, column 23, lines 12-19), thus providing many opportunities to view an advertisement.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer to display advertisements as taught by Alexander, thus providing a viewer with many opportunities to view an advertisement.

The combination of Boyer, Legall and Alexander fails to disclose a media programming provider determining the advertising content provided on the active channel.

The examiner takes official notice that a media provider determining advertising content on the active channel is notoriously well known in the art. For example, during the Super Bowl national advertisements for Pepsi are displayed during a commercial break, thus guaranteeing that a large number of viewers would see an advertisement and enable the ability to charge an advertiser more money for airtime for a corresponding larger viewership.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Boyer, Legall and Alexander, to enable a program provider to determine what advertisements to display, thus guaranteeing that a large number of viewers would see an advertisement and enable the ability to charge an advertiser more money for airtime for a corresponding larger viewership.

Regarding claims 18 and 63, Boyer discloses ads in figures 7 and 9.

The combination of Boyer and Legall does not disclose if the advertising content is contextually related to the media program on the active channel.

Alexander discloses in figure 1, a PIP window 12 that plays video for the last tuned channel, or the currently highlighted channel (column 3, line 63-column 4, lines 27), advertisements within the EPG may be contextually related to the last program watched or displayed in PIP window 12 (column 34, line 56-column 35, line 12, a user watching a basketball game, gets advertisements for athletic shoes presented by a basketball star), thus providing advertisements which would be of the most interest to the user.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Boyer and Legall to utilize the targeted advertising of Alexander, thus providing advertisements, which would be of the most interest to the user.

Regarding claims 19-20 and 64-65, Boyer discloses ads in figures 7 and 9.

The combination of Boyer and Legall does not disclose if the advertising content is determined by user preferences or habits

Alexander discloses a number of virtual ad spaces, the contents of which may be determined by user profiling which includes user view habits and preferences (column 29, line 31-column 30, line 37, column 32, lines 24-34), thus delivering more effective advertisements which would be tailored to a user's interests.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Boyer and Legall to utilize a profile which includes viewer habits and preferences provided targeted advertisements as taught by Alexander, thus delivering more effective advertisements which would be tailored to a user's interests.

Regarding claims 21 and 66, Boyer discloses ads in figures 7 and 9.

The combination of Boyer and Legall does not disclose if the advertising content is determined by daypart.

Alexander discloses in figure 1, a PIP window 12 that plays video for the last tuned channel, or the currently highlighted channel (column 3, line 63-column 4, lines 27), panel advertisements may be displayed in windows 14 and 16 (column 21, lines 39-54), time may be taken into account in order to determine the type of user who is watching and advertisements are presented accordingly, (column 35, lines 13-26, morning content may be aimed at housewives, children in early evenings, men Sunday afternoons), thus providing advertisements which would be of the most interest to the user.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Boyer and Legall to utilize the time of day advertising of Alexander, thus providing advertisements which would be of the most interest to the user.

Regarding claims 22 and 67, Boyer discloses ads in figures 7 and 9.

The combination of Boyer and Legall does not disclose if the advertisements are user selectable and enable a user to initiate contact with a vendor.

Alexander discloses that the advertisements are interactive, a user may select an advertisement and visit a related webpage provided by a vendor (column 18, lines 1-12, column 27, lines 49-48), thus enabling a user to learn more about a product or service.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Boyer and Legall to enable a user to select an ad to connect to a vendor website as taught by Alexander, thus enabling a user to learn more about the advertised product or service.

Regarding claims 25 and 70, Boyer discloses that a user may click on a channel to learn more about the programming.

The combination of Boyer and Legall does not disclose the use of a home channel or program.

Alexander discloses in figure 1, a home channel (Prime time live program which is currently selected by cursor 36, the content for this program may be displayed in PIP window 12, (3, lines 63-column 4, line 8), thus enabling a user to easily navigate back to the program they are watching.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Boyer and Legall to utilize the home channel of Alexander, thus making it easy for a user to navigate back to the last program watched.

4. Claims 44-45 and 89-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,268,849 to Boyer in view of U.S. Patent 6,005,565 to Legall in further view of U.S. Patent 6,219,839 to Sampsell.

Regarding claims 44 and 89, Boyer discloses that a user may select more than one channel, after which program information is displayed in box 636 (column 9, lines 55-61).

The combination of Boyer and Legall fails to disclose enabling a user to select a second channel, which provides access to an interactive service.

Sampsell discloses in figure 4, that a user may connect to an interactive ESPN service from within an EPG, the service is displayed as a channel 78 within the program guide and Internet service in figure 5, info service 82 (column 5, lines 20-62, column 6, lines 33-57), thus enabling a user to learn more about a program, and easily access supplemental content.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Boyer and Legall to list an interactive service as a channel as taught by Sampsell, thus enabling a user to learn more about a program, and easily access supplemental content.

Art Unit: 2611

Regarding claims 45 and 90, Boyer discloses that a user may select more than one channel, after which program information is displayed in box 636 (column 9, lines 55-61).

The combination of Boyer and Legall fails to disclose a channel listing which is a PVR channel, which provides access to programs, recorded on the PVR and the guide describes at least one media program on the PVR channel.

Sampsell discloses in figure 9, a DVD channel 102 which displays the contents of the program recorded on the DVD, and enables a user to access the programming (pop up window 104, column 7, lines 9-21) , a user may access recorded programming on a recordable DVD or VCR (column 7, lines 22-38), thus enabling a user to easily navigate between recorded programming and live programming to select a program of interest.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Boyer and Legall to utilize the VCR and DVD listings and access features of Sampsell, thus enabling a user to easily navigate between recorded programming and live programming to select a program of interest.

The combination of Boyer, Legall and Sampsell fails to disclose utilizing a PVR.

The examiner takes official notice that the use of a PVR is notoriously well known in the art. PVRs provide a high quality recording of a program, and can store many more hours of programming than videotape.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Boyer, Legall and Sampsell to utilize a PVR, thus

Art Unit: 2611

enabling for high quality recording of content, and allow for the storage or more hours of recorded programming.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL

A handwritten signature in black ink, appearing to read 'J. Miller', with a long horizontal stroke extending to the right.

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600